

**INQUIRY INTO EDUCATION LEGISLATION
AMENDMENT (PARENTAL RIGHTS) BILL 2020**

Organisation: Yfoundations
Date Received: 25 February 2021



Yfoundations Inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020

February 2021

About us

For over 40 years, we have served as the NSW peak body representing children and young people at risk of and experiencing homelessness, as well as the services that directly support them. Our membership and board are made up of primarily Specialist Homelessness Services (SHS) and Homeless Youth Assistance Program (HYAP) providers, who have a wealth of knowledge about the issues facing homeless youth in our state.

Our approach focuses on five foundations: safety and stability, home and place, health and wellness, connection and participation, and education and employment. We believe all five foundations must be present for young people to live flourishing and meaningful lives.

Introduction

The *Education Legislation Amendment (Parental Rights) Bill 2020* challenges the fundamental role of the NSW education system. As the NSW Department of Education points out, our schools 'have always taught the values that are the basis of law, customs and care for others in our society' (2020). This is because Australian lawmakers have long agreed that education in core liberal values, including equality, diversity and inclusion, are central to our democracy.

One Nation's bill seeks to break this longstanding tradition. It labels subjects that the authors disagree with – in particular, acceptance of LGBTIQ+ people – as 'ideologies' rather than core liberal values, and seeks to refuse children education in these subjects. If successful, the *Education Legislation Amendment* would allow parents to remove their children from lessons on anti-discrimination principles that are enshrined in both state and federal legislation. What's more, it would force NSW teachers to deny the historical and scientific reality of gender diversity.

We support the essential role our schools have historically played in promoting anti-discrimination and acceptance, and strongly opposes One Nation's attempt to undermine our education system. Like our community partners, we are extremely concerned about the impact this legalisation could have on LGBTIQ+ youth in NSW – in particular trans youth. This group is already highly vulnerable to stigmatisation and isolation, which leads to a range of adverse outcomes.

In light of our expertise, this submission will focus on one of these adverse outcomes: the high rates of youth homelessness among LGBTIQ+ youth. Drawing on recent Australian research and case studies provided by our members, this submission will illustrate how rejection and harassment are damaging LGBTIQ+ youth's mental health and driving them into NSW's over-stretched SHS system. Education is key to preventing and addressing this discrimination and ensuring LGBTIQ+ young people remain safe and supported in their own homes and communities.

Rates of LGBTIQ+ youth homelessness

Young people are overrepresented in Australia's homeless population. The 2016 census estimated that 12 to 24-year-olds made up 24% of the homeless population, despite only making up 16% of the general population (Australian Bureau of Statistics, 2016). This figure is likely an undercount, as young people are more likely to couch-surf, and thus, to be counted as 'visitors' on Census night (Australian Institute of Health and Welfare, 2018). Estimates from 2019 Mission Australia's Youth Survey suggest that as many as one in six young people in Australia have experienced some kind of homelessness (Lacey et al., 2020).

Among this age cohort, LGBTIQ+ youth are particularly susceptible to homelessness. The recently released *Writing themselves in 4* report, based on a survey of 6,418 LGBTIQ+ Australians aged 14 to 21, revealed that almost a quarter had experienced homelessness in their life (Hill et al., 2021). Young trans people are at particular risk of

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homelessness, with roughly 40% experiencing homelessness. A recent analysis of the Journey Homes survey, which included 1,659 Australians with current or recent experiences of homelessness, also found that gay, lesbian or bisexual (LGB) respondents were more likely than their heterosexual peers to become homeless before the age of 18 (Dempsey et al., 2020).

The social and financial costs of LGBTIQ+ youth homelessness are significant. Homeless young people are more likely to disengage from school and training (Fehring et al., 2008; Miller, 2011; Moore & McArthur, 2011), to come into contact with the criminal justice system (Australian Institute of Health and Welfare, 2012), and to experience poor physical and mental health (Kulik et al., 2011). In 2014-15, it was estimated that homeless youth cost the Australian health care and justice systems \$17,868 per person (MacKenzie et al., 2016). This excludes the cost of supported accommodation, estimated to average \$15,000 per person per year, and the lifelong impact of poor education and employment outcomes.

The causes of LGBTIQ+ youth homelessness

Family conflict is an important driving factor of youth homelessness in NSW, particularly for teenagers. Australia Institute of Health and Welfare (AIHW) data commissioned by Yfoundations indicates that, of the 13,220 12 to 25-year-olds who accessed SHS in NSW in 2019-20, more than 40% were unaccompanied under 18-year-olds. The leading reason that these young people sought SHS services – cited by 25% – was 'relationship/ family breakdown'. This is consistent with national and international research, which suggests strained relations often lead to young people fleeing or being 'kicked out' by parents or carers (Roche & Barker, 2017; Rosenthal et al., 2006).

Recent Australian studies suggest that family conflict plays a particularly important role in driving LGBTIQ+ youth homelessness. Almost half of Writing themselves in 4 respondents specifically identified 'family rejection' as a cause of their homelessness (Hill et al., 2021). And more than 95% of LGB respondents to the Journey Home survey cited 'family conflict/ relationship breakdown' as a key reason they became homeless under the age of 18, compared to 75% of their heterosexual counterparts (Dempsey et al., 2020). These findings are consistent with global reports, which highlight how family rejection and victimisation too often drive LGBTIQ+ young people from their homes (Cochran et al., 2002; Corliss et al., 2011; Durso & Gates, 2010; The Albert Kennedy Trust, 2015).

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The following case study provided by a Yfoundations member highlights the key role that family conflict plays in pushing LGBTQIA+ young people into homelessness:

Tegan* is a 22-year-old transgender woman. She had a close and loving relationship with her mother, who tragically passed away when Tegan was just 14 years old. This left her vulnerable to emotional and physical abuse from her father and siblings.

Eventually, this abuse became too much, and Tegan started rough sleeping. When this became unbearable she returned home but was kicked out at the age of 17. After a period of couch-surfing, Tegan sought stable accommodation in various refuges and the private rental market. Despite her struggle to find appropriate housing, which was exacerbated by transphobia, she still managed to complete her HSC.

Tegan was referred to Burwood House* when she was 21 years old. For the first time, she received support to express her gender identity: staff used her correct pronouns and helped her explore hormone therapy. The Burwood House staff connected Tegan with a youth social housing program dedicated specifically to LGBTIQ+ young people. She is now living independently and is in a healthy long-term relationship.

*Names changed for privacy

The interrelated issues of childhood abuse, poor mental health and drug abuse often play into these family conflicts (Mallett et al., 2005; Rosenthal et al., 2006). Data shows LGBTQIA+ young people are more likely to experience mental health issues (McNair & Andrews, 2020; Wilson & Cariola, 2020) and drug abuse problems (Marshall et al., 2008), and to be physically, emotionally and sexually abused in childhood (Corliss et al., 2002). These poor physical and mental health outcomes are particularly prevalent among young people whose sexual orientation or gender identity isn't accepted by their family or community (Bouris et al., 2010; Russell & Fish, 2006; Ryan et al., 2009).

Recent Australian studies highlight these interrelated issues. The Journey Home survey found LGB respondents were far more likely to have been threatened, sexually assaulted or physically abused during childhood than their heterosexual counterparts (Dempsey et al., 2020). Similarly, 43% of the *Writing themselves in 4* respondents reported family violence as the cause of their homelessness, and 63% reported mental health issues (Hill et al., 2021). The relationship between parental abuse, poor mental health and LGBTIQ+ homelessness was highlighted by our members, and captured in the following case studies:

Jamie* is a 15-year-old who identifies as gender non-binary and bisexual. Neither of Jamie's parents accepted their sexual orientation or gender identity. Jamie had to take an AVO out against their father after he tried to 'beat the gay' out of them.

This hostile home environment had a detrimental impact on Jamie's mental health, and they were admitted to a hospital mental health unit after suffering from suicidal ideation. Jamie's fears of returning home led to their admission to St Helen's* refuge. At St Helen's they were diagnosed with complex co-occurring issues including an eating disorder, Post Traumatic Stress Disorder and auditory hallucinations, and required daily safety check-ins.

Jamie is now receiving psychological and psychiatric support and is connected to LGBTIQ+ community through Bspace*. The staff at St Helen's believe that earlier access to education and support outside of the family home would have been pivotal to Jamie being able to navigate these issues effectively.

*Names changed for privacy

Alex* is a 19-year-old who identifies as gay and gender-fluid. Alex's family became abusive after they disclosed their sexual orientation and gender identity, and they were ostracised by their community.

As a result, Alex became homeless and was diagnosed with anxiety, depression, an eating disorder, body dysmorphic disorder and suicidal ideation. Fortunately, they found crisis accommodation at SafeYouth*, where they were provided with tailored support from caseworkers and medical professionals.

Eventually, Alex moved into transitional housing and is now living independently. While Alex still struggles with being separated from their family, they now feel they can be themselves – without fearing abuse and violence.

*Names changed for privacy

LGBTIQ+ discrimination and schooling

Schools play an important role in exacerbating or offsetting the risks presented by family and community rejection. The inclusion of anti-bullying laws, open and inclusive curriculums and LGBTIQ+ student clubs has proven to have a concrete impact on the mental health of gender diverse and LGBTIQ+ young people (Russell & Fish, 2016).

For example, a US study found that there are half as many suicide attempts among LGBTIQ+ students in countries that have anti-bullying policies specifically protecting these groups, compared to those who do not (Hatzenbuehler & Keyes, 2012). Surveys suggest that bullying and harassment of LGBTIQ+ people are still rife in Australian schools. The *Writing Themselves In 4* survey found that 60% of LGBTIQ+ secondary students felt unsafe at school due to their sexuality or gender identity in the past 12 months. (Hill et al., 2021) Trans students were most likely to report feeling unsafe (67%), followed by non-binary students (66%). These issues were also highlighted by our members, with one youth refuge caseworker – who runs an LGBTIQ+ support group – noting:

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A majority of our group attend alternative schooling because of discrimination they face in the school system from teachers and students, and because of the school's inability to address the issue of discrimination.

SHS Case Worker

Another caseworker noted how anti-LGBTIQ+ discrimination at school and home play into each other, fueling family conflict and ultimately youth homelessness:

They go home and they are in conflict with the family because they are being discriminated against at school and the family doesn't understand and they don't want to affirm their gender. It's like a cycle of discrimination that lands them in situations where they become homeless.

SHS Case Worker

This cycle of discrimination is further highlighted in the following case study:

Max* is an 18-year-old transgender man who was born into a highly religious family. His father was convinced that his gender identity came from a cult, and his mother saw it as a mental illness. Max was rejected by his community, barred from attending religious services and verbally abused by teachers at his school.

At 16 years old, Max was diagnosed with depression, anxiety and Borderline Personality Disorder, and was self-harming to cope with his trauma. Despite all of this, he completed his HSC and obtained a casual job. However, Max could not continue to live at home, and so connected with Flourish Youth*.

Flourish Youth sourced rapid accommodation for Max, and continue to provide him with tailored care. This included supporting him to obtain an official name change, and referring him to LGBTIQ+ psychological and medical support. He is now receiving hormone therapy and is saving for gender confirmation surgery.

*Names changed for privacy

The detrimental impact a negative school environment can have on LGBTIQ+ youth, even those who have a supportive home environment, is further illustrated in the following case study:

Peter* is a 17-year-old who was assigned female at birth, but identified as male from a very young age. His parents have always been supportive of his gender identity. But at his public high school, Peter was bullied and harassed by other students, and his teachers were ill-prepared to support him because they didn't know 'how to deal' with his transition.

Peter began to experience depression and anxiety and was reluctant to attend school. He became aggressive towards his parents, whom he felt 'didn't understand' what he was going through. They reached out to Bspace*, a counselling, housing and support service for LGBTIQ+ youth. Together, Peter's parents and the Bspace staff supported him to change to a school that was supportive of his transition and had gender-neutral bathrooms. He completed his HSC there and developed an online group for young people in the local area who were transitioning.

Hearing from other young people who had been kicked out of home, and ended up in homelessness services, made Peter realise he was 'lucky to have great parents'. His experiences also made him realise the importance of a positive school environment, noting: 'if things are going on at home, school can be the safe place'.

*Names changed for privacy

Conclusion

This submission highlights the drastic need for Australian teachers to prevent and address LGBTIQ+ discrimination, both inside and outside the classroom, through evidence-based education programs. The establishment of the 'Safe Schools Coalition Australia' was a much-needed step in the right direction. In watering down and later abolishing this scheme, the NSW Government prioritised the wishes of a conservative minority ahead of the wellbeing of students.

Passing the *Education Legislation Amendment* would only worsen this situation. By making these issues 'matters of parental primacy', One Nation's bill would deny students the right to learn about the legally enshrined principles of anti-LGBTIQ+ discrimination. It would also prevent teachers from addressing the bullying and harassment of LGBTIQ+ students and force them to deny the very existence of their trans students. Such action would condone the rejection and stigmatisation that is currently driving many LGBTIQ+ young people from their homes and into homelessness.

We implore the NSW Government to drop this harmful bill and enhance the teaching of acceptance, inclusion and diversity in our schools.

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Proudly funded by the NSW Government

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